

KYMBERLY E. SPEER (SBN 121703)  
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Attorneys for Defendant  
US AIRWAYS, INC.

UNITED STATES DISTRICT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION – ECF PROGRAM

JEANNE LOVELESS,

Plaintiff,

v.

U.S. AIRWAYS, INC.,

Defendants.

CASE NO. C-08-02444 JW  
FINDING AS MOOT  
STIPULATION TO PSYCHIATRIC  
IME; ~~PROPOSED~~ ORDER

Pursuant to Rule 35, plaintiff hereby agrees, by and through her counsel, that on **July 9 and 10, 2009** she will submit to a psychiatric Independent Medical Examination (IME) with Bernard S. Rappaport, M.D., 3 Altarinda Road, Suite 207, Orinda, California 94563. The examination will consist of two parts:

- 1) An oral examination to begin at **9:30 a.m.** on **July 9, 2009**, and which will include:
  - taking a complete history (family history, educational history, social history, past medical history, past psychological/psychiatric history, employment history, legal history, history of the incident, subsequent clinical course and psychological/psychiatric treatment)
  - an oral mental status examination (specific questions to assess mental functioning, mood, affect, capacity for abstraction, judgment, etc.)

Kenney  
&  
Markowitz  
L.L.P.

To: Kymberly Speer From: Aaron Lodge  
Case: C-08-02444 JW.

2) The administration of psychological test instruments, to begin at 9:30 a.m. on July 10, 2009, and which may include one or all the following:

- The MMPI-2 (Minnesota Multiphasic Personality Inventory - 2)
- The MCMI-III (Millon Clinical Multiaxial Inventory - III)
- The Rotter Incomplete Sentences Blank

The estimated time for the IME is 4-6 hours: 2-3 hours for the oral examination on July 9, 2009, and 2-3 hours for the psychological testing (depending on the examinee's pace) on July 10, 2009.

No one other than the examinee is entitled to be present during the examination, nor may the examination be recorded in any manner (e.g., tape recorder, dictaphone, etc.)

SO STIPULATED:

DATED: June 11, 2009

LAW OFFICES OF DEMARTINI &  
LODGE

By: A. Lodge

AARON LODGE, ESQ.  
Attorneys for Plaintiff

DATED: June 9, 2009

KENNEY & MARKOWITZ L.L.P.

By: \_\_\_\_\_

KYMBERLY E. SPEER  
ELIZABETH D. RHODES  
Attorneys for Defendant  
US AIRWAYS, INC.

Kennedy  
&  
Markowitz  
L.L.P.

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STIPULATION TO PSYCHIATRIC IME; ORDER  
C-08-02444 JW

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**SO STIPULATED:**

DATED: June \_\_, 2009

**LAW OFFICES OF DEMARTINI &  
LODGE**

By: \_\_\_\_\_  
AARON LODGE, ESQ.  
Attorneys for Plaintiff

DATED: June 12, 2009

**KENNEY & MARKOWITZ L.L.P.**

By: \_\_\_\_\_  
KYMBERLY E. SPEER  
ELIZABETH D. RHODES  
Attorneys for Defendant  
US AIRWAYS, INC.

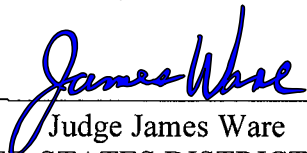
Kenney  
&  
Markowitz  
L.L.P.

**ORDER**

So ordered.

The Stipulation is found as moot. The deadlines have since passed. The parties may file a renewed stipulation if needed.

Date: August 4, 2009

  
\_\_\_\_\_  
Judge James Ware  
UNITED STATES DISTRICT COURT

Kenney  
&  
Markowitz  
L.L.P.